



March 22, 2007

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: TAM's State Legislative Program Update, Agenda Item 12

Dear Commissioners:

Executive Summary

In January 2007, the TAM Board approved its 2006-07 State Legislative Program. Since the beginning of the session, over 50 bills are active, related to transportation. Staff is working closely with our legislative team at Shaw-Yoder to assess impact on Marin's programs and projects, and look for opportunities for Marin to address its transportation needs.

Staff offer the attached summary matrix prepared by our state legislative advocacy team from Shaw/Yoder. Staff will be presenting letters at the Board meeting that are recommended for sending to key legislators regarding some of these bills. Timing for this effort is coordinated with legislative activity. Staff also seeks input from the Board on any further action to be taken. All letters of concern or support are consistent with the legislative program adopted by TAM.

Recommendation: Support staff efforts to carry out TAM's legislative agenda for 2006-07. Provide any additional direction on key support letters or letters of concern to be sent.

Attachment: Summary Matrix of 2007 State Legislation related to Transportation

Bills of Interest to the Transportation Authority of Marin (TAM)

Bill ID	Topic	Summary
AB 57 Soto (D)	Highways: Safe Routes to School construction program.	Deletes the January 1, 2008, repeal date of the Safe Routes to School construction program, thereby extending the provisions indefinitely. Deletes the January 1, 2008, repeal date of provisions authorizing state and local entities to secure and expend federal funds for programs related to bicycles and pedestrian safety and traffic-calming measures in high-hazard locations.
AB 60 Nava (D)	Vehicles: bicycles.	Recasts bicycle provisions as to overtaking a bicycle by requiring the driver of a motor vehicle overtaking a bicycle that is proceeding in the same direction to pass to the left at a safe distance, at a minimum clearance without interfering with the safe operation of the overtaken bicycle. Makes a violation of this provision an infraction punishable by a fine. Makes it a misdemeanor or felony if a person operates a motor vehicle in violation of the above requirement and that conduct causes injury or death.
AB 256 Huff (R)	State highway operation and protection program.	Relates to the state highway operation and protection program. Appropriates to the department, from funds in the State Highway Account the amount identified for traffic safety projects.
AB 387 Duvall (R)	Design-build: transit contracts.	Existing law authorizes, until January 1, 2011, transit operators to enter into a design-build contract, as defined, according to specified procedures. Existing law requires a transit operator to select a design-build entity based on either the lowest responsible bidder or best value for nonrail transit projects that exceed \$2,500,000. Existing law limits design-build contracts to transit projects, which does not include state highway construction or local street and road projects. This bill would provide that the prequalification process is optional for technology or surveillance procurements designed to enhance safety, disaster preparedness, and homeland security efforts under \$5,000,000.
AB 449 Strickland (R)	Vehicle license fees.	Provides for a vehicle license fee law establishing, in lieu of and ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state.
AB 463 Huffman (D)	Vessels: California Clean Ferry Act of 2007: air emissions.	Requires all new diesel powered ferries operating the waters of this state to meet certain specified air emissions standards.
AB 478 Wolk (D)	Vehicles: bicycle safety.	Expands the places where the operator of a bicycle is required to use an illuminated lamp and certain specified reflecting devices to shared use pathways, as defined. Expands the requirement that the operator of the bicycle have reflectors on each pedal to include the option of having reflectors on his or her shoes or ankles.
AB 484 Nava (D)	Recycling: highway construction and repair: recycled aggregate base.	Requires the Department of Transportation, unless it determines that the use of the materials is not cost effective, to use recycled aggregate base, for at least 50% of the total amount of aggregate base used on and after 1/1/2008 and for at least 75% of the total amount of aggregate base used on and after. Requires the Secretary of the Business, Transportation and Housing Agency to prepare a specified analysis.
AB 534 Smyth (R)	Bicycle Transportation Account: funding.	Requires monthly transfer to the Bicycle Transportation Account from the Highway Users Tax Account.

Bills of Interest to the Transportation Authority of Marin (TAM)

AB 633 Galgiani (D)	Rail Safety and Traffic Mitigation Bond Act of 2007.	States the intent of the Legislature to enact legislation providing for a general obligation bond act in the amount of \$500 million to be submitted to the voters for approval in order to provide funding for a program to eliminate the most dangerous railroad-highway grade crossings in the state, as identified by the Public Utilities Commission.
AB 823 Solorio (D)	Orange County: road funds.	Existing law provides for the apportionment by the Controller of a certain portion of gasoline and diesel fuel excise taxes to each city and county by formula. Existing law also provides for the apportionment by the Controller of a certain portion of gasoline sales taxes deposited in the Transportation Investment Fund to each city and county by formula. Existing law requires each county to deposit funds received from both of these sources in its county road fund for expenditure on county roads, but authorizes a county board of supervisors to provide aid to a city for city streets from county funds, including a county's road fund. Existing law requires a city or county to annually report to the Controller on its road expenditures from all sources of available revenue.
AB 842 Jones (D)	Regional plans: housing and traffic reduction.	Creates eligibility standards for the funds that will be made available from the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 and the Housing and Emergency Shelter Trust of Fund of 2006. Requires that a project be located within a regional plan to reduce the vehicle miles traveled per household.
AB 867 Davis (D)	Transportation analysis zones.	Requires each metropolitan planning organization and each transportation planning agency, in developing the regional transportation plan, to factor the mobility of low-income and minority residents into its computer analysis of regional transportation analysis zones. Requires results of such analysis to be availed to the public.
AB 878 Davis (D)	Service authority: registration and service fees.	Amends existing law which authorizes the establishment of a service authority for the abatement of abandoned vehicles and the imposition of a vehicle registration fee in a county if the board of supervisors adopt certain resolutions. Revises the amount of the vehicle registration fee and revise the amount of the vehicle registration fee and revise the amount of the additional service fee imposed on a commercial motor vehicle.
AB 899 Parra (D)	Transportation facilities: public- private partnerships.	Relates to existing law that authorizes the Department of Transportation and regional transportation agencies to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements.
AB 900 Nunez (D)	California Transportation Commission.	Amends existing law which creates the California Transportation Commission. Expands the commission to 13 members, with one additional voting member each appointed by the Speaker of the Assembly and the Senate Committee on Rules, who would not be subject to Senate confirmation.
AB 901 Nunez (D)	Transportation: Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.	Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Makes various findings regarding public transportation and would declare the intent of the Legislature to provide accountability measures in the allocation of those proceeds.
AB 945 Carter (D)	Transportation needs assessment.	Requires the Transportation Commission to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis.

Bills of Interest to the Transportation Authority of Marin (TAM)

AB 1003 Jeffries (R)	Department of Transportation.	Existing law provides that the Department of Transportation shall have full possession and control of the state highway system. Existing law provides for a local agency to engage in certain project development activities on state highway projects for which the agency is a funding partner. Existing law authorizes the department to enter into agreements governing project activities to be undertaken by the department in these and other related situations. This bill would provide that a local or regional agency that is contributing an unspecified portion of a state highway project's costs from local revenues to request the department to provide dedicated personnel or other resources pursuant to a special agreement between the agency and the department in order to expedite the department's review of the project.
AB 1055 Blakeslee (R)	Transportation: programs.	States the intent of the Legislature to enact laws to improve the coordination and compatibility of transportation programs authorized by the State of California with environmental mitigation of important farm lands, natural lands, and waterways.
AB 1161 Tran (R)	Eminent domain.	Existing law authorizes the Department of Transportation to acquire any property necessary for state highway purposes by eminent domain, either in fee or in any lesser estate or interest. Existing law prohibits the department from disposing of property acquired through eminent domain through public sale if the property is no longer required for highway purposes, unless the department pays an amount to the county auditor equal to the property taxes that would have been paid by the owner if the property had not been acquired by the department, minus a specified deduction. This bill would require the department, upon acquiring property through eminent domain, to designate the particular project for which the property is being acquired, and would require the department to use the property for that purpose within 7 years, plus an extension of an additional 5 years, if obtained, or to otherwise sell the property, as specified. Vote: majority.
AB 1170 Krekorian (D)	Transportation bonds.	States the intent of the Legislature to enact provisions governing project eligibility and the application process for certain of the Proposition 1B bond funds.
AB 1221 Ma (D)	Transit village developments: tax increment financing.	Allows a city or county that prepares a transit village plan, with the agreement with each government agency that operates every transit station in the transit district, to engage in tax increment financing to fulfill the goals of a transit development plan.
AB 1240 Benoit (R)	Riverside County Transportation Commission: design-build contracts.	Existing law establishes various regional transportation commissions, including, but not limited to, the Riverside County Transportation Commission. Existing law requires a commission to, among other things, award a contract for the purchase of all supplies and the construction of all facilities and works to the lowest responsible bidder when the expenditure exceeds \$25,000. Existing law, until January 1, 2011, authorizes transit operators, as defined, to enter into design-build contracts, as defined, according to specified procedures. This bill would authorize the Riverside County Transportation Commission to enter into those design-build contracts for the purpose of constructing commuter rail lines and would designate that commission as a transit operator for those purposes.
AB 1295 Spitzer (R)	Transportation facilities: tolls:	Existing law authorizes regional transportation agencies, in cooperation with the department, to apply to the commission to develop and operate a value pricing program with high-occupancy toll (HOT) lanes, under which

Bills of Interest to the Transportation Authority of Marin (TAM)

	Riverside County.	single-occupant vehicles may use designated high-occupancy vehicle lanes at certain times of day upon obtaining a permit and paying a fee. Toll revenues are used for the administration and operation of a value pricing program and exclusive or preferential lane facilities for public transit. Applications under these provisions are limited to 4 projects statewide and must be approved before January 1, 2012. Existing law also authorizes the San Diego Association of Governments, the Sunol Smart Carpool Lane Joint Powers Authority, the Santa Clara Valley Transportation Authority, and the Alameda County Congestion Management Agency to undertake similar value pricing programs involving various other HOT lanes under the jurisdiction of these sponsoring agencies.
AB 1306 Huff (R)	Sales taxes on gasoline.	Reduces the portion of gasoline sales tax revenues that are deposited in the Public Transportation Account by eliminating what is commonly known as the spillover formula. Increase revenues from the sales tax on gasoline that are deposited in the General Fund. Requires those revenues to be transferred to the Transportation Investment Fund.
AB 1322 Duvall (R)	Transportation facilities: public-private partnerships.	Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, until January 1, 2012, to enter into up to 4 comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. Under these provisions, all negotiated lease agreements must be submitted to the Legislature for approval or rejection, with approval to be achieved by enactment of a statute. This bill would make nonsubstantive changes to these provisions.
AB 1337 Nava (D)	State highway system: construction management and engineering.	The California courts have interpreted the California Constitution as generally restricting the contracting of out of state activities or tasks to the private sector, if those activities or tasks may be adequately and competently performed by state employees. However, Article XXII of the California Constitution, adopted by the voters in 2000, allows the State of California to contract with qualified private entities for architectural and engineering services for all public works of improvement, extending to all phases of project development including permitting and environmental studies, rights-of-way services, design phase services, and construction phase services. This bill would require employees of the department to perform the construction management and engineering for all projects on the state highway system, including inspection, quality control inspection, surveying, materials testing, and resident engineer functions.
AB 1350 Nunez (D)	Transportation bond funds.	Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. States the intent of the Legislature to enact legislation that contains conditions and criteria for allocations from this account.
AB 1351 Levine (D)	Transportation: infrastructure.	Amends the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. Makes various finding regarding transportation infrastructure and funding in California and would state the intent of the Legislature to give priority to self-help counties that have passed local sales tax measures in the State-Local Partnership Program.
AB 1373 Emmerson (R)	Highway construction contracts: design-build method: San Bernardino Design-Build Project.	Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. This bill would authorize the San Bernardino Associated Governments (SANBAG) to use a design-build procurement method for the construction of improvements to the highways that provide access to health facilities offering emergency services in San Bernardino County. This bill would make legislative findings and declarations as to the necessity of a special statute for San Bernardino County.

Bills of Interest to the Transportation Authority of Marin (TAM)

AB 1492 Laird (D)	Vehicles: transit buses: right-of-way.	Requires, in the Santa Cruz Metropolitan Transit District and the Santa Clara County Transit District, the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if certain conditions are present. Requires a transit agency participating in the program to undertake a public education program to inform motorists of the yield right-of-way requirements. Provides for a base fine for violating those requirements.
AB 1499 Garrick (R)	Department of Transportation: design-build contracting.	Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Under existing law, until January 1, 2010, the department is authorized to utilize design sequencing as an alternative contracting method for the design and construction of not more than 12 transportation projects. This bill would authorize the department to use the design-build procurement process for its state highway construction contracts.
AB 1581 Fuller (R)	Traffic-actuated signals: bicycles: motorcycles.	(1) Existing law provides for official traffic control devices. This bill would include as an official traffic control device a traffic-actuated signal that displays one or more of its indications in response to the presence of traffic detected by mechanical, visual, electrical, or other means. Upon the first placement or replacement of a traffic-actuated signal, the signal would have to be installed and maintained, to the extent feasible and in conformance with professional engineering practices, so as to detect lawful bicycle or motorcycle traffic on the roadway. The Commission on State Mandates would be required to consult with the Department of Transportation regarding mandate claims relating to these provisions.
AB 1637 DeSaulnier (D)	Public transportation: subsidies for low-income riders.	Authorizes a transit operator to use Transportation Development Act (TDA) and State Transit Assistance (STA) funds specifically to provide discount fares for qualifying low-income riders. Allows STA funds used by an operator for this purpose to count as fare revenue for the purpose of determining the operator's allocation that is based on the fare revenue formula.
AB 1672 Nunez (D)	Transportation: infrastructure.	Makes various findings regarding transportation infrastructure in California and would state the intent of the Legislature to advance certain goals and policies related to the purposes for these moneys in the Highway, Traffic Reduction, Air Quality and Port Security Fund of 2006.
SB 9 Lowenthal (D)	Trade corridor improvement: transportation project selection.	Amends existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act. Requires a sum to be transferred to the Trade Corridors Improvement Fund. Provides for infrastructure improvements along federally designated Trade Corridors of National Significance. Sets forth the intent of the Legislature to enact legislation that establishes a process for the selection of transportation projects.
SB 19 Lowenthal (D)	Trade corridors: projects to reduce emissions: funding.	Declares the intent of the Legislature to enact legislation that establishes conditions and criteria for projects funded under provisions of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.
SB 53 Ducheny (D)	State highways: performance measures.	Requires the Department of Transportation to develop specified performance measures to establish an evaluation and rating of the overall quality of the state highway system. Requires an annual report to the Legislature in that regard.

Bills of Interest to the Transportation Authority of Marin (TAM)

SB 56 Runner (R)	Highway construction contracts: Design-Build Demonstration Program: transportation entities.	Declares the intent of the Legislation to authorize a demonstration program that would allow a careful examination of the benefits and challenges of using a design-build method of procurement for transportation projects. Authorizes certain state and local transportation entities to use a design-build process for contracting on transportation projects. Requires a transportation entity to implement a labor compliance program for design-build projects. Establishes a procedure for submitting bids.
SB 61 Runner (R)	Transportation: public-private partnerships.	Authorizes the Department of Transportation or regional transportation agency nominating a project to pay a stipend to proposers of a project under certain conditions. Authorizes the department or regional transportation agencies to enter into agreement under which a private entity constructs a transportation project that is operated without the charging of a toll or user fee, but where the private entity receives compensation in the form of a shadow toll or other type of payment.
SB 184 Alquist (D)	Transportation projects.	Limits provisions of existing law that authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation to projects advanced for expenditure by an eligible entity.
SB 204 Dutton (R)	Transportation funds.	Requires revenues from taxes imposed by the state on motor vehicle fuels and from the sale of excess real property originally acquired by the state for highways to be paid into the State Treasury to the credit of the State Highway Account and to be available to the Department of Transportation.
SB 262 Runner (R)	Transportation : trade corridors improvement.	Requires the Transportation Commission, when allocating certain funds to projects, to consider the impact of a project on goods movement and port operations in the Southern California region and the potential of a project to benefit the inland port concept in order to relieve congestion at and in the vicinity of the Port of Los Angeles and the Port of Long Beach.
SB 286 Dutton (R)	Transportation bonds: implementation.	Requires bond funds for local street and road purposes to be allocated in cycles. Requires the Controller to use the population figures from the Department of Finance in making allocations to cities.
SB 416 Ashburn (R)	Design-build: counties.	Authorizes any county, with the approval of the board of supervisors, to enter into design-build contracts, as defined, in accordance with specified provisions.
SB 445 Torlakson (D)	Road User Task Force.	Creates the Road User Task Force with 11 members appointed by the Legislature, Governor, California Transportation Commission, and city and county organizations. The bill would require the task force to hold at least 3 public hearings around the state and to report to the Legislature and Governor by January 1, 2009, on alternatives to the current system of taxing road users through per-gallon fuel taxes.

Bills of Interest to the Transportation Authority of Marin (TAM)

SB 484 Lowenthal (D)	Highway and structural designations.	Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law imposes various requirements on the department regarding the placement of specified signs on state highways. This bill would establish specified conditions that would be required to be satisfied in order for a segment of a state highway or a highway structure to be named or designated in honor of a person or entity.
SB 613 Simitian (D)	Local governments: vehicle fee for congestion and stormwater management.	Authorizes the City/County Association of Governments of San Mateo County to impose a fee of up to \$4, until January 1, 2019, on motor vehicles registered within San Mateo County for a program for the management of traffic congestion and stormwater pollution within that county.
SB 716 Perata (D)	Transit operators.	States the intent of the Legislature to establish the process through which transit operators may apply for an allocation of funds from the Public Transportation Modernization, Improvement, and Service Enhancement Account.
SB 717 Perata (D)	Transportation Investment Fund.	Continues the Transportation Investment Fund in existence and specifies the use of revenues deposited in that fund from gasoline sales tax revenues subject to Article XIX B beginning in the 2008-09 fiscal year.
SB 748 Corbett (D)	Transportation: state-local partnerships.	States the purposes of the State-Local Partnership Program to be allocated by the Transportation Commission to eligible transportation projects nominated by transportation agencies. Requires the Transportation Commission to adopt guidelines for the program.
SB 779 Dutton (R)	Transportation: statewide system of freeways and expressways.	Existing law establishes the Department of Transportation and provides it with full possession and control of all state highways. Existing law establishes the California Freeway and Expressway System, consisting of specified highways, and the Legislature has declared it to be essential to establish and construct a statewide system of freeways and expressways. This bill would make nonsubstantive changes to this provision expressing the Legislature's intent regarding the state system of freeways and expressways.
SB 856 Runner (R)	State highways: county-designed street name signs.	Existing law provides that the Department of Transportation has full possession and control of the state highway system. This bill, in unincorporated areas, would require the department to post, or to authorize the county to post, county-designed street name signs on state highways if the posting of the sign is not in violation of mandatory compliance conditions applicable to design standards for street name signs. The bill would require the department to waive recommended and permissive compliance conditions that may be inconsistent with this bill.
SB 872 Ackerman (R)	State-Local Partnership Program.	Creates the State-Local Partnership Program and appropriates a specified amount per year for 5 years beginning in the 2010-11 fiscal year. Provides for allocation of state funds to eligible highway and mass transit guideway projects nominated by local agencies are to be funded with at least 50% of local funds derived from a locally imposed transportation sales tax.
SB 937 Perata, (D)	County highways: construction.	Relates to existing law which requires counties, with the approval of the board of supervisors, to comply with certain procedures when soliciting and evaluating bids and awarding contracts for the construction, repair, or maintenance of a county highway, as specified.
SB 976 Torlakson (D)	San Francisco Bay Area Water Transit Authority.	Amends existing law that creates the San Francisco Bay Area Water Transit Authority with specified powers and duties relative to the development of a plan for implementation and operation of a water transit system on San Francisco Bay. Requires the primary focus of the authority and the plan be to operate a comprehensive regional public

Bills of Interest to the Transportation Authority of Marin (TAM)

		water transit system.
SCA 5 McClintock (R)	State and local government finance: voter- approval.	Proposes an amendment to the Constitution to establish, for purposes of both state and local taxation, a constitutional definition of a tax as any monetary exaction imposed by a governmental entity. Provides exclusions. Recasts the definition of a special tax as a tax whose revenues are required by law.